

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Steve Currid  
Application No.: 10/089,587  
PCT Application No.: PCT/GB97/03351  
International Filing Date: 04 December 1997  
For: NON-RETURN DEVICE  
Filed: Herewith  
Examiner Not Yet Assigned  
Art Unit: Not Yet Assigned  
Attorney Docket No.: 232.7548USU

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: PCT Legal Office

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

This Renewed Petition Under 37 CFR 1.137(b) is in response to the Decision on Petition Under 37 CFR 1.137(b), dated 25 October 2002.

The decision stated that a Petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). The petition decision acknowledged that the Applicant has satisfied the requirements as stated in Items (1), (2), and (4). Applicant's petition was dismissed due to failure to satisfy the requirement as stated in Item (3).

As to Item (3), please consider the following additional verified statement:

The entire delay in filing the U.S. Basic National Fee from the due date of June 4, 1999 until the filing of this petition pursuant to 37 CFR 1.137(b) was unintentional.

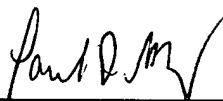
The attached declaration of Terence William Reddick shows the date that the applicant first became aware of the abandonment of the application and as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Applicant respectfully requests that this Renewed Petition Under 37 CFR 1.137(b) be granted.

April 11, 2003

Date



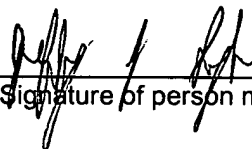
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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Certificate No. **EV079549825US** service under 37 CFR §1.10 and is addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, Att: PCT Legal Office on April 11, 2003.

Jeffrey J. Scepanski

(Typed name of person mailing paper)



(Signature of person mailing paper)

### **Declaration**

I Terence William Reddick of Shires Rest, Gainsborough Road, Drakeholes, Doncaster, South Yorkshire DN10 5DF do hereby solemnly and sincerely declare as follows:

I am Managing Director of Hepworth Plumbing for which I am ultimately responsible for all aspects of the business related to my company, including, but not limited to, protection of the company's proprietary technology via the filing of patent applications throughout the world. In relation to the pending application (i.e., U.S. Patent Application, Serial No. 10/089,587) it was Hepworth's intention to file this application in countries where it intended to market this product. The U.S.A. is one of those countries as evidenced by the fact that it was a designated country in our International Patent Application No. PCT/GB97/03351. Knowing that the USA was an important market for our product covered and that the proprietary rights to that product were covered via the filing of the aforementioned PCT application, it was my natural assumption that the National Phase application was subsequently filed in with the U.S.

It was not until a meeting, dated November 5, 2001, with Mr. Doughty that I learned that the National Phase filing of the corresponding PCT application was not undertaken in the USA.

Upon discussing the matter with Mr. Doughty on 5th November 2001, I advised him that it was always the intention that a patent application should have been filed in the USA and that I was under the impression that such an application had been filed. I therefore asked him to take immediate action to see whether or not the situation could be rectified.

It is my understanding that Mr. Doughty immediately spoke to Mr. Mounteney of Marks & Clerk, who quickly took advice from US Counsel (Mr. Greeley). Mr. Doughty reverted to me on 12th November 2001 explaining that he had been advised that it was possible to file an application to revive the US patent application originating from PCT/GB97/03351 due to the inadvertent missing of the statutory Chapter II filing date required by the U.S. Patent and Trademark Office. I immediately instructed Mr. Doughty to proceed with this application and the Petition to Revive the National Phase application in the USA.

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In order prepare the required Declarations to accompany the Petition to Revive, it was necessary for our company to conduct extensive investigations into the sequence of events leading up to the current position. This delay was exacerbated by the fact that a number of those concerned had either left the employ of Hepworth Building Products in the intervening period, or had assumed new positions within the company.

Once all of the information was gathered, our company together with counsel drafted Declarations from myself, Mr. Doughty and Mr. Currid outlining the factual situation which led up to the failure to timely file the U.S. National Phase application. These Declarations had to be reviewed by company personnel, our European counsel and finally by U.S. counsel prior to execution. Once approved by all involved parties, these Declarations were promptly executed on March 11, 7 and 4, respectively. The executed Declarations were then promptly shipped to U.S. counsel, where they were promptly filed on March 29, 2002, together with the Petition to Revive and the associated fees.

#### DECLARATION STATEMENT

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Subscribed this 28<sup>th</sup> day of March 2003

T.W. Redaick

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